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Attorneys for Kreg Rowe, et. al.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY
ADVISORS, LLC,

USA CAPITAL DIVERSIFIED
TRUST DEED FUND LLC,

USA CAPITAL FIRST TRUST
DEED FUND LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

☒ All Debtors

USA Commercial Mortgage Company

USA Capital Realty Advisors, LLC

USA Capital Diversified Trust Deed
Fund, LLC

USA Capital First Trust Deed Fund,
LLC

USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

CHAPTER 11

(Jointly Administered Under
Case No. BK-S-06-10725-LBR)

**CERTIFICATE OF ATTEMPTS TO
CONFER RE MOTION OF KREG ROWE
ET. AL, TO QUASH SUBPOENAS
(INSOFAR AS SUBPOENA SEEKS
RECORDS OF THE ABOVE LISTED
ENTITIES AND INDIVIDUALS) DIRECTED
TO WELLS FARGO BANK, N.A., WELLS
FARGO BANK OF NEVADA, NEVADA
STATE BANK, JP MORGAN CHASE, BANK
OF THE WEST, OPPENHEIMER FUNDS,
BANK OF AMERICA, AND CITY BANK, OR
IN THE ALTERNATIVE, MOTION FOR
PROTECTIVE ORDER**

I HEREBY CERTIFY that On April 23, 2007, upon receipt of the Wells
 Fargo subpoena described in the Motion to Quash I emailed the letter attached
 hereto as Exhibit "A" to Eric Madden, counsel for the USACM Liquidating Trust,
 and to Brigid Higgins, counsel for the USAIP trustee. The letter contains an offer
 to resolve our clients' disputes. Mr. Madden did not reply to my offer. On May 5

1 I sent another email to Mr. Madden, informing him of our intent to file this
2 Motion and asking him to withdraw the subpoenas.

3 These efforts constitute a good faith attempt to confer to resolve the issues
4 raised in the Motion

5
6 DATED: May 4, 2007

MCDONALD CARANO WILSON, LLP

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8
9 By: 

Kaaran E. Thomas

Attorneys for Movants
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EXHIBIT "A"

EXHIBIT "A"



MCDONALD-CARANO-WILSON^{PC}

April 23, 2007

Eric D. Madden, Esq
Diamond McCarthy LLP
1201 Elm Street
34th Floor
Dallas, Texas 75270
via email: emadden@diamondmccarthy.com

Brigid Higgins, Esq
Gordon & Silver, Ltd
3960 Howard Hughes Pkwy, 9th Floor
Las Vegas, Nevada 89102
via email: bmh@gordonsilver.com

Re: In re USA Commercial Mortgage Company
Post-Bankruptcy 2004 Orders and Related Subpoenas to Wells Fargo Bank, N A ,
Nevada State Bank, N.A., JP Morgan Oppenheimer Funds and Bank of America

Dear Eric and Brigid:

We were surprised to learn of the above-referenced subpoenas that seek private banking information regarding our clients listed below:

B & L Investments, Inc
Cabernet Highlands, LLC
Caughlin Club Management Partners, LLC
Caughlin Club Real Property Investors, LLC
CCRE Investors LLC
Chardonnay Village Investors, LLC
Classic Residences, LLC
Comstock Village Investors, LLC
DDH Financial Corp
Diamond Village Investors 11, LLC
Diamond Village Investors 1 & 12, LLC
Double Diamond Homes, LLC
Double Diamond Management Company, LLC
Emigh Investments, LLC
Equus Management Group, Inc
Foothill Commerce Center, LLC

100 WEST LIBERTY ST, 10TH FLOOR
RENO, NEVADA 89501

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Homewood Village Investors I, LLC
La Hacienda Land Investors, Inc
Longley Town Centre, LLC
Longley Professional Campus, LLC
The Meadows Investors, LLC
Miners Village Investors, LLC
Monticello Investors, LLC
Mountainview Campus Investors, LLC
MP Tanamera, LLC
Pioneer Village Investors, LLC
Preserve at Galleria, LLC
Reno Corporate Center, LLC
Reno Design Center, LLC
Rowe Family Trust
RIIC Communications, LLC
Sandhill Business Campus, LLC
Sierra Vista Investors, LLC
South Meadows Commercial Property, LLC
South Meadows Office Investors, LLC
Sparks Galleria Investors, LLC
Sparks Galleria Investors II, LLC
Tanamera Commercial Development, LLC
Tanamera Corporate Center, LLC
Tanamera Development, LLC
Tanamera Homes, LLC
Tanamera Resort Condominiums, LLC
Tanamera Resort Partners, LLC
ICD Financial Corp
ICD Land Investments, LLC
Vineyard Highlands, LLC
The Vineyard Investors, LLC
Vineyard Professional Campus, LLC
Waterford Partners, LLC
Wyndgate Partners, II, LLC
Wyndgate Village Investors, LLC
Michael Efstratis
Kraig Knudsen
Joe Lopez
Kreg Rowe
Brett Seabert

("Clients")



MCDONALD CARANO WILSON

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Since you were aware that several of these Clients were represented by our firm, and since Mssrs. Rowe and Seabert spent several hours with you and other parties involved in the USA Commercial Mortgage Company and USA Diversified Deed Trust Fund cases discussing their knowledge of Mssrs. Hantges and Milanowski, we would have expected you to contact us prior to issuing these subpoenas, which on their face lumped our clients into a group that included Mssrs. Hantges and Milanowski who are alleged criminals

However, in an effort on our part to cooperate and to mitigate damages, and prior to filing a Motion to Quash, we suggest the following:

You organize a meeting or meetings with a representative of USAIP and our clients in our Reno office at mutually agreeable times to discuss evidence you have of specific transfers of funds into the accounts of our clients listed on the subpoenas upon which USACM, the Diversified Trust Deed Fund or USAIP have a claim. We will produce records or explanations regarding these particular transfers assuming they are in our possession and control. We will also provide our clients' affidavits or declarations regarding their knowledge of the facts relating to these particular transfers.

Since a number of the entities that are covered by your subpoena are entities in which only USAIP had an interest, we are sending this letter to counsel for the Chapter 11 Trustee of USAIP, Alleged Debtor, as well. As you know, there is an automatic stay in effect protecting USAIP from actions to exercise control over their assets. Your subpoena appears to accomplish such control. Accordingly, our participation in the process outlined above is conditioned upon the prior express written approval of USAIP.

We look forward to hearing from you regarding this proposal within 24 hours.

Regards,

A handwritten signature in black ink, appearing to read 'Kaaran E. Thomas', with a horizontal line extending from the end of the signature.

Kaaran E. Thomas, Esq.

cc: Geoffrey Berman
gberman@gsi.biz
Development Specialist, Inc
333 South Grand Avenue, Suite 4070
Los Angeles, CA 90071
(Trustee for USACM)